

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andrew Kloek et al.

Art Unit : 1652

Serial No. : 10/060,848

Examiner : Yong D. Pak

Filed : January 30, 2002

Confirmation No.: 9554

Notice of Allowance Date: February 10, 2004

Title : NEMATODE MDH-LIKE SEQUENCES

MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

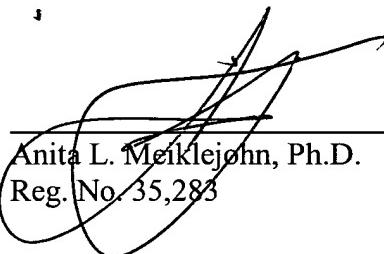
RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed February 10, 2004, enclosed are a completed issue fee transmittal form PTOL-85b, a check for \$695 for the required fee, including patent copies, and Comments on Statement of Reasons for Allowance.

Please apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date: 16 MAR 2004


Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20809486.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 16, 2004
Date of Deposit

Carrie A. Amonte
Signature

Carrie A. Amonte
Typed or Printed Name of Person Signing Certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andrew Kloek et al. Art Unit : 1652
 Serial No. : 10/060,848 Examiner : Yong D. Pak
 Filed : January 30, 2002 Confirmation No.: 9554
 Title : NEMATODE MDH-LIKE SEQUENCES Notice of Allowance Date: February 10, 2004

MAIL STOP ISSUE FEE

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The Examiner has included Reasons for Allowance with the Notice of Allowance dated February 10, 2004.

In the Reasons for Allowance, the Examiner noted that the "crystal structures of many malate dehydrogenases are available" and that Birktoft et al. (Biochemistry 28:6065, 1989) teaches a crystal structure and domain structure of a malate dehydrogenase. Applicants note that they have not argued that the availability of crystal structure data for any malate dehydrogenase is relevant to whether the present allowed claims are enabled. In particular, Applicants have not and do not take any position regarding whether the malate dehydrogenase described by Birktoft et al. is relevant to the allowed claims. Moreover, Applicants believe that the allowed claims are patentable irrespective of the availability of crystal structure data for any malate dehydrogenase.

Applicants file herewith a Response to Notice of Allowance, completed issue fee transmittal form PTOL-85b, and the required issue fee payment. However, in doing so, Applicants do not relinquish their rights to contend at a later date that there are other reasons for patentability of the allowed claims or any other claims.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 16, 2004
 Date of Deposit

Carrie A. Omonte
 Signature

Carrie A. Omonte
 Typed or Printed Name of Person Signing Certificate

Applicant : Andrew Kloek et al.
Serial No. : 10/060,848
Filed : January 30, 2002
Page : 2 of 2

Attorney's Docket No.: 12557-002001



Please apply any additional charges or credits to Deposit Account No. 06-1050.

Date: 16 MAR 04

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Respectfully submitted,

Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283

20825089.doc